

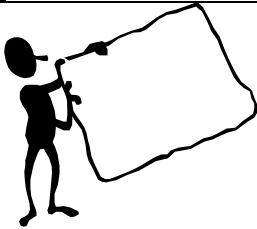


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Rule of Law



In our society, we have a set of rules called **laws**. Laws are created and enforced by the government. Laws generally reflect and promote what a society thinks is right or wrong. A government cannot operate effectively unless its citizens respect the laws. Our society is based on the “**Rule of Law**” principle. This means that all citizens must respect and obey the legal system and its laws. In turn, we expect our legal system to protect our basic human rights and promote order and stability.

As Americans, the law provides us with a set of rules and regulations to follow. In order to be good citizens, it is important that we know the law.

Where does the law come from?

Our laws come from many different sources. The United States Constitution and the various state constitutions set forth laws and establish our structure of government. Our legislative branches of government also create laws. The courts interpret the laws and solve disputes.

What are constitutions?

The Constitution of the United States, written in 1787, is the “supreme law of the land.” It establishes the separation of powers for the three branches of federal government. Each branch of government has different functions. The legislative branch creates law, the executive branch enforces law, and the judicial branch interprets law.

The Preamble:

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The Constitution and its amendments place limits on the powers of our government. These limits protect the fundamental rights we enjoy such as the freedom of religion, the freedom of speech, and the right to privacy.

When Idaho became a state in 1890, the leaders also created a constitution for Idaho. **The Idaho Constitution** provides a basis for all other laws in our state. Like the U.S. Constitution, the Idaho Constitution creates three branches of state government: the legislative branch, the executive branch, and the judicial branch.

What are the duties of each branch of government?

The **legislative branch**, made up of the Senate and House of Representatives, writes laws and sends them for approval to the chief of the executive branch, the President. It is his/her responsibility to make sure the laws passed are enforced. The chief of the **executive branch** of state government is the governor. The **judicial branch** has different levels of courts. This branch interprets questions about the laws, ensures that laws do not violate our constitution, and applies laws.

What is the United States Code?

The **United States Code** is the collection of laws passed by our U.S. Congress and approved by our President. The U.S. Code creates taxes, governs how businesses operate, defines crimes, and outlines appropriate conduct in society.



What is the Code of Idaho?

The **Code of Idaho** is the collection of laws passed by our state legislature and approved by our governor. The “Code” is printed in a series of volumes. Like the U.S. Code, the Code of Idaho also creates taxes, defines crime and sets punishments, and outlines appropriate conduct in society.

What is the difference between state and federal law?

State law applies to everyone residing in the state and to any conduct occurring within that state. **Federal law** applies to persons in every state and territory.

Are there other types of laws?

Every city has its own special laws that apply just to that area of the state. For example, **city ordinances** might define an acceptable level of “noise” or set a curfew for juveniles. Local law is in effect when in that community.

What is the difference between civil law and criminal law?

Civil law is a term used to describe the law that relates to the interaction among individuals. For example, these laws tell how to write contracts with other people, how to operate businesses, and how to assess liability when damage is done to other’s property.

Criminal law describes the law that relates to the way individuals interact with society as a whole. This law provides strict definitions about what behavior is considered illegal, such as robbing a bank or stealing a car. While these offenses affect certain individuals, we have decided as a society that whenever someone commits a crime, the crime hurts everyone, not just the individuals involved. Therefore, we call that “a crime against the State”.

Are there special laws for youth?

There are a number of special laws for youths. This book will present you with the different types of laws that affect young persons in the state of Idaho. It will discuss both criminal and civil laws and what they mean.

Do I have a role in lawmaking?

Every citizen has the opportunity to be a part of the lawmaking process. Elected officials at the local, state, and national level create laws. All citizens have a right to attend meetings, express opinions, and even draft laws they feel should be considered.

A law called the “**Sunshine Law**” requires public officials to conduct their meetings openly. All citizens have a right to attend those public meetings in order to voice opinions and learn more about their government.

In our democracy we have representatives for the people. At the state level if we disagree with a particular law, we may call or write our representative in the Idaho legislature and ask that the law be amended or repealed. Every year hundreds of laws are changed, created, or repealed at all levels of government-city, state, and federal.

Court Systems

What are the court systems?

The court systems are the judicial branches of government at the federal, state, and local levels. Courts hear civil, criminal, juvenile, domestic, and traffic cases.

When accused of a crime, an individual has the right to go to court where the prosecutor will attempt to prove that he/she has committed that crime.

When a dispute arises between individuals over the meaning of a law, the court will interpret the law and settle the dispute. For example, in the case of an automobile accident, the court will decide who was at fault based on the evidence presented by both sides.

Can the courts make laws?

Many laws are established in our court systems. Our system of law, which originated in England, gives courts power to make “**common law**.” This is law made by judges through court decisions. These decisions become **precedents** used to decide future cases.

What is the function of federal courts?

Federal courts hear cases involving civil and criminal wrongs involving federal law. Federal trial courts are called **U.S. District Courts**.

Cases can be appealed to the **U.S. Circuit Court of Appeals** in a designated area. Decisions on appeals are usually rendered at this level, but some cases may go as far as the court of final appeals, the **U.S. Supreme Court**.

There is at least one federal district court in each state. In Idaho, we are part of the Ninth Circuit that includes California, Oregon, Washington, Arizona, Montana, Nevada, Alaska, Hawaii, Guam, and the Northern Mariana Islands. The Ninth Circuit is the largest of all the thirteen federal districts.

What is the function of state courts?

Similar to the federal court system, Idaho state courts hear both civil and criminal cases. Idaho trial courts are called **district** and **circuit courts**.

In Idaho we have seven judicial circuit courts, each including four to ten counties. Each of the seven judicial circuit courts also has a Magistrate Division that is designed to hear cases deemed as misdemeanors.

Idaho has only one **Court of Appeals** and the **Idaho Supreme Court**. The Idaho Supreme Court has **original jurisdiction** in all claims against the state. The main function of the Idaho Supreme Court is to hear appeals arising from district court. The Court of Appeals hears all cases remanded from the Supreme Court.

Appellate courts do not try cases. Juries and witnesses are not used either. They hear oral arguments and review questions of law or allegations of procedural error arising in the trial court.

Are there courts for youths?

A **juvenile court** hears cases involving individuals 18 years of age or younger. In this court there is no jury, only a judge who has special knowledge of the laws as they apply to juveniles. The juvenile court is part of the juvenile justice system.



Courtroom Roles

Who are judges and what is their job?

Judges oversee courtroom proceedings. They listen to testimony presented in cases brought before the court and rule according to the law. Like sports officials, their job is to ensure that the law is accurately and fairly applied. The President, with congressional approval, appoints federal judges for life. Idaho state judges are elected either in statewide elections or judicial district elections.

The clerk of court, the bailiff, and a court reporter assist judges. They are responsible for handling evidence, swearing in witnesses, ushering the jury, and recording the facts of the trial.

What is a jury?

A **jury** is a group of citizens (12 in state court and 6 in federal court) randomly chosen. The jury's task is to determine the facts and apply the law in an adult court proceeding.

The Sixth and Seventh Amendments of the U.S. Constitution guarantee the right to trial by jury. This right applies in both federal and state courts. To serve on a jury in Idaho one must be a U.S. Citizen, a resident of the State of Idaho, and legally able to vote in any election. As citizens, we have a duty to serve as fair and impartial jurors.

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Seventh Amendment

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Who are defendants and plaintiffs?

A **defendant** is an individual who has either been accused of committing a crime (in a criminal court), or is being sued by another party (in a civil court).

A **plaintiff** is the injured party who brings an action against the defendant in a civil case. In a criminal case, the plaintiff is the government, (either the United States or a state) and is represented by a prosecutor.

What is an attorney?

An **attorney** is an individual who has studied law, has passed the bar exam, and is licensed to practice law in accordance with state regulations. Another term for attorney is lawyer.

What are the different types of attorneys?

There are two different types of attorneys in the criminal courtroom-**prosecuting** attorneys and **defense** attorneys.

A **prosecuting attorney** (also called the district attorney in state court and the U.S. attorney in federal court) is an attorney who represents the government in criminal cases. Prosecutors present evidence and witnesses in an attempt to prove to the court that the defendant is guilty. The district attorney is an elected official and appoints assistant district attorneys to assist in prosecuting cases in their districts. The President appoints the U.S. attorneys who then appoint assistant U.S. attorneys to assist in prosecuting cases in their districts.

A **defense attorney** is responsible for defending the accused in criminal court. Defense attorneys will present the evidence and witnesses in an attempt to prove that the defendant did not commit the crime.

In civil court the attorneys are called the plaintiff's attorney and defendant's attorney. The plaintiff's attorney represents the party making a complaint. The defendant's attorney represents the party being sued based on that complaint.

What is an Attorney General?

An **Attorney General** is the chief law officer of the executive branch of a state or the federal government. The Attorney General is sometimes referred to as the “attorney of the people.” The Attorney General is responsible for advising the government on legal matters and representing it in both civil and criminal cases.

When would I need an attorney?

If you are charged with a crime, you will need an attorney who is familiar with criminal law to defend you.

You may also need an attorney if you are buying or selling a house, divorcing, adopting a child, making a large purchase, writing a will, or organizing a business. There are a variety of attorneys who specialize in these areas of the law. It is, therefore, important to carefully select an attorney based on specific legal needs.

What if I cannot afford an attorney?

If you have been charged with committing a crime, explain to the presiding judge that you cannot afford an attorney. If the judge agrees that you or your parents/guardians cannot afford an attorney, then the court will appoint one to assist you.

Idaho Code 20-514

In civil court, if you cannot afford an attorney, you may qualify for free legal services from a legal aid office. There are some trial lawyers who will not charge a fee unless they win or obtain a settlement. This is called a **contingency** fee arrangement. It is important to ask your attorney if his or her fees are based on an hourly rate or contingency fee arrangement. There are also cases in which the court may require the defendant to pay your attorney’s fee if you win your case. You also may recover attorney’s fees if there is a contract with the defendant in which he or she has agreed to pay those expenses.



Legal Rights

What is “Due Process of Law”?

Due Process of Law is the guarantee that citizens are to be treated fairly by the government. It also guarantees that a person has the right to be heard in court before being deprived of life, liberty, or property by the government.

Where do I find “Due Process of Law” in the U.S. Constitution?

Due process of law is mentioned in several places in the U.S. Constitution. The “due process clause” can be found in the Fifth and Fourteenth Amendments to the U.S. Constitution. A list of the basic rights of the accused can be found in the Fifth and Sixth Amendments of the U.S. Constitution.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

What are the basic rights of the accused?

Accused people have the following rights: right to trial by jury, right to a speedy and public trial, right to be informed of their rights and of the charges against them, right to confront and cross-examine witnesses, right to refuse to testify against themselves, and right to be represented by an attorney.

Do I have the same rights in court as adults?

Until 1966, juveniles did not enjoy the same due process rights as adults. While juveniles today do not have all of the same due process rights as adults, the U.S. Supreme Court case of *In re Gault*, 387 U.S. 1 (1967), established four main rights for a juvenile accused of committing a crime:

- the right to notification of the charges against him/her
- the right to an attorney
- the right to confront and cross-examine witnesses
- the right to refuse to testify against oneself

Guiding Questions

- Why do we have rules and laws?
- What would life be like without laws?



Juvenile Justice System

What is a juvenile?

A **juvenile** is a person not yet considered an adult for the purposes of determining either criminal or civil liability. Generally, one is considered a juvenile if under the age of 18.

What is the juvenile justice system?

The **juvenile justice system** is a part of the criminal justice system that focuses on the special concerns and problems or criminal activities of juveniles. The system includes many different state agencies, from the police to the juvenile court to the **Idaho Department of Juvenile Corrections**, and has its own set of laws and procedures that govern the treatment of juveniles.

What are the differences between the juvenile system and adult system?

There are many differences in the two systems including the terms used and the procedures followed. Below is a list of juvenile terms and matching adult terms.

Juvenile Court Terms

Offense
Take into custody
Petition
Denial or “not true”
Admission or “true”
Ad judicatory hearing
Found delinquent
Disposition
Detention
Aftercare

Adult Court Terms

Crime
Arrest
File charges
Not guilty plea
Guilty plea
Trial
Found guilty
Sentencing
Jail
Parole

When does an individual enter the juvenile justice system?

A person under the age of 18 enters the juvenile justice system in two ways: when a petition is filed against the person, or when he or she is taken into custody by a law enforcement authority. An officer can take a juvenile into custody if the officer believes the juvenile has either committed an offense, is physically dangerous, is in need of medical or emergency care, or has run away from home. **Idaho Code 20-516**

What should I do if the police stop me?

Remain respectful at all times and cooperate with law enforcement. Do not “bad mouth” or walk away from law enforcement officials, even in instances when you feel they are wrong. Remember that the first words spoken by you may determine the tone of the encounter and the eventual outcome.

If an officer has “reasonable suspicion” to believe you are carrying a weapon or illegal substance, you may be subject to a “pat down” search. This is primarily performed to protect the officer and others in the vicinity.

Obey all requests asked of you unless the request poses a risk to your personal safety or well being. Do not give false information to an officer.

If I am taken into custody for a crime, what should I do?

Again, it is important that you remain respectful and cooperative. Make sure you are informed as to why you are being held. You do not have to make any incriminating statements that might be used against you later. Before any questioning begins about a particular crime, a law enforcement officer is required to inform you of your rights.

How does an officer inform me of my rights?

If you are taken into custody because you are suspected of breaking a law, the officer must give you the reason for your arrest and explain your right to have a parent, guardian, or attorney contacted. Before questioning you about a particular crime, a law enforcement officer must read you your constitutional rights. These are called **Miranda warnings**.

Miranda warnings are named after the Supreme Court case **Miranda v. Arizona, 384 U.S. 436 (1966)**. In this case the Supreme Court ruled that all suspects must be informed of their constitutional right to remain silent and to have an attorney present. The police are obligated to give these warnings before any questioning begins. Usually suspects are read their rights as they are being arrested.

If law enforcement officials do not read suspects their rights, any statements made by a suspect cannot be used as evidence in a court of law. Chief Justice Earl Warren stated, "The U.S. system of justice is based on the idea that an individual is innocent until proved guilty. The government cannot resort to forcing suspects to prove themselves guilty." **384 U.S. 436 (1966)**

What are Miranda warnings?

Miranda warnings include the following:

- You have the right to remain silent.
- Anything you say can and will be used against you.
- You have the right to talk to a lawyer and have the lawyer present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- You have the right to talk to your parents or guardians and have them present during questioning.
- If you wish to communicate with your lawyer, parents, or guardians, reasonable means will be provided to allow you to do so.
- You can decide at any time to exercise these rights and not answer any questions or make any statements.

What happens if I resist arrest?

Resisting arrest is illegal and may result in additional charges. Never resist arrest or help another person resist arrest, no matter how unreasonable the arrest may seem.

What happens when a police officer takes me into custody?

An officer has several options. The nature of your offense and your cooperation may affect his/her decision.

The officer can

- release you to your parents or someone who can provide supervision, as well as give you a warning.
- release you to your parents or guardian with their promise to bring you to juvenile court at a later date.
- release you and refer you and your parents to services in the community that provide counseling, employment, temporary “shelter care,” or other help.
- take you directly to a juvenile probation intake officer for booking into the juvenile detention center. **Idaho Code 20-516**

What happens if I am taken to a juvenile intake officer?

If you are required to appear before the juvenile intake officer, you and your parents or guardian will meet him or her. The officer will read you your legal rights and inform you and your parents of the charge(s) against you. After discussing the situation with you and your parents or guardian, the intake officer can

- decide to take no further action and release you.
- refer you to a pre-trial diversion program such as Youth Court.
- release you for six months as long as you fulfill certain conditions, known as informal adjustment, such as drug testing and staying in school.
- request that the district attorney file a petition for you to appear before the juvenile court. **Idaho Code 20-516**

What is a detention center?

A detention center, formerly called “juvenile hall,” is a place for temporarily keeping juveniles who have been accused of committing delinquent acts.

Juveniles who are in a detention center are either awaiting action by the probation officer, awaiting a hearing before the court, or awaiting transfer to a state facility such as the Juvenile Corrections Center, the state agency charged with the supervision of delinquent juveniles.

Detention centers must meet certain standards. Some include separation of juvenile offenders and adult offenders, supervision and observation of mental and physical health, reading materials, and visiting hours for family. **Idaho Code 20-518**

If I am taken to a detention center, how long will I stay there?

The length of time spent in the detention center varies depending upon the case. If you are taken to a detention center, the juvenile intake officer is required to immediately

investigate the reasons for detention. The law does not allow the intake officer to keep you in detention unless it appears necessary to protect you, others, the property of others, or to make sure you appear in court.

In some cases, you may be released under foster care, group care, parent or relative supervision, or special community diversion programs. **Idaho Code 20-516**

If the intake officer decides you should remain in detention, a “detention hearing” will be set for you in juvenile court within 24 hours, exclusive of holidays and weekends. At the detention hearing, the judge will listen to what you, your parents or guardians, or your lawyers have to say. The judge will decide either to release you upon the condition that you return to court at a later date or require you to remain in detention to await your formal hearing.

Juvenile Court

What is Juvenile Court?

Juvenile Court proceedings are handled at the Magistrate division of district court. A circuit or district court judge acts as the juvenile court judge. Juvenile court is for young people under the age of 18 who have been referred for violating the law or who are in need of supervision. A juvenile may be required to go to juvenile court if a petition is filed alleging him/her to be a dependent or delinquent.

Defined by the state, a **dependent child** is someone who

- is in immediate danger in his/her current surroundings.
- does not have anyone to take care of him/her.
- is homeless, destitute, or dependent on the public for support.
- is without parent or guardian for support.
- is neglected by a parent or guardian.

A **delinquent child** is someone who has committed a violation, misdemeanor, or a felony.

What happens if I go to Juvenile Court?

If you are required to attend juvenile court, you will have the opportunity to explain the circumstances. This will be the **evidentiary hearing**. As in adult court, you have the right to have witnesses brought to court on your behalf and the right to question those witnesses brought by the district attorney to offer evidence against you. The judge will decide whether the charges brought against you are proven. If the judge finds that the evidence brought against you is insufficient, you will be free to go. **Idaho Code 20-519**

If the judge finds that you have committed the crime, a report will be filed and a sentence will be imposed.

You may be placed on formal probation for not more than three years from the date of order. If the crime was of a sexual nature, you will be placed on formal probation until the time of your 21st birthday. You may be placed in a detention facility for no more than 90 days for each unlawful act committed; however, if the crime committed could be classified as a felony for an adult, then placement in a detention center cannot exceed 180 days. Your driving privileges may also be suspended. **Idaho Code 20-520**

When may a juvenile be tried as an adult?

Any juvenile, 18 years of age or younger may be tried as an adult if he/she has committed murder, robbery, rape (excluding statutory rape), or assault or battery with the intent to commit any of the previously stated felonies.

A juvenile may also be tried as an adult if after turning 14 his/her crime would be a punishable crime if committed by an adult. **Idaho Code 20-508 and 20-509**

Who decides when a juvenile will be tried as an adult?

The motion to transfer a juvenile to adult court can be made by the prosecuting attorney, the juvenile, or the court upon its own initiative.

The juvenile court will consider the following when determining whether jurisdiction will be transferred. The court will determine the seriousness of the offense, if the offense was committed during an act of aggression, violence, or in a willful manner, if the offense was a crime against property or a crime against person, the maturity of the juvenile, his/her previous record and history, and whether with rehabilitation he/she could become a contributing member of society. **Idaho Code 20-508**

Who has access to a juvenile record?

Juvenile records are open to the public if the juvenile offender is 14 years of age or older and is charged with an offense that if committed by an adult would be considered a felony. However, records will remain confidential if the court and prosecution feel there are extraordinary circumstances and it is not in the best interest of the juvenile offender.

If the juvenile offender is 13 years of age or younger, all records, except court orders, will be open to the public. **Idaho Code 20-525**

Can the newspaper publish the name of a juvenile who has been arrested?

Generally, police do not release the name of a juvenile unless he/she is tried as an adult. Newspapers must use their own discretion when deciding whether to print a name. As

a general rule, most papers will not print the name of a juvenile offender unless he/she is tried as an adult.

Nampa teen arrested as suspect in robbery

Nampa police arrested 16-year-old Gabriel E. Zarate of Nampa on Wednesday on charges of robbery and burglary, police Sgt. Craig Kingsbury.

Zarate was arrested in connection with a Dec. 8 robbery at the Walgreen's Drug Store, 700 12 Ave. So. In Nampa, Kingsbury said.

Zarate was charged as an adult and was booked into the Canyon County Detentions Center, he said.

Police are investigating a possible link between the Walgreen's robbery and a Dec. 7 robbery at Smoking Hot Deals, Kingsbury said.

Kingsbury said the Police Department was grateful to the community for calls that helped them investigate the Walgreen robbery.

Anyone with information about either robbery is asked to call the Nampa Police Department at 465-2257 or Crime stoppers at 343-COPS.

Statesman Staff, Edition Date: 12-20-2002

Teens blow up park toilet, face felony charges

SANDPOINT — At least six teen-agers will be charged with felonies after they allegedly blew up a toilet in a park restroom. The teens, **whose names were not released**, set off a pipe bomb in the men's restroom at Lakeview Park in the late hours of July 4 or early morning of July 5, Police Chief Mark Lockwood said. According to police reports, the teens lit a pipe bomb in the bathroom, which exploded and splattered human waste across the restroom. They then lit the second pipe bomb and blew up a toilet, sending porcelain shrapnel flying and causing \$600 worth of damage. The teen-agers ranged in age from 16 to 19. They will be charged with using and making a destructive device.

Edition Date: 07-14-02

Guiding Questions

- Why are there differences between the juvenile justice system and the adult justice system?
- Should juveniles be tried as adults?

Criminal Offenses

Crime is a major problem in our society. When a juvenile uses alcohol, or a politician accepts a bribe, or an intruder breaks into a house to steal, a crime has been committed. It is important to be aware of the types of crimes and subsequent punishments. Knowledge is the best crime prevention.

What is a crime?

A **crime** is committed when the law is broken. A crime may result from what an individual does or what he/she has failed to do according to the law. A crime may be punishable by death, imprisonment, probation, a fine, or removal from office. **Idaho Code 18-109**

Crimes and their Classifications

Are all crimes the same?

Not all crimes are the same. Crimes are of two classifications. First there are **felonies**. Felonies are major crimes such as murder and robbery, which can result in an individual being sentenced to federal or state prison or put to death. **Idaho Code 18-111**

A **misdemeanor** is a minor offense and punishable by imprisonment in a state prison and/or a fine or imprisonment in county jail. Violating a city ordinance such as curfew is one example of a misdemeanor. **Idaho Code 18-111**

What are the punishments for committing a crime?

Except in cases where a different punishment is advised, every felony is punishable by imprisonment in the state prison, which will not last longer than five years, or is punishable by a fine of not more than fifty thousand dollars. A felony may also be punishable by both a fine and imprisonment. **Idaho Code 18-112**

Except in cases where a different punishment is advised, every misdemeanor is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than three hundred dollars. Again, a misdemeanor may be punishable by both a fine and imprisonment. **Idaho Code 18-113**

What if I did something but did not know it was against the law?

Unfortunately, you may not say, "I didn't know." You are still guilty of the crime even if you did not know you were breaking the law. Keep in mind that if what you are

doing or about to do could hurt someone else or destroy property, then it is probably a crime.

What happens if I help someone break the law?

Even if you yourself do not commit the crime, but helped someone else who did, you may still be charged. This is called **complicity**, otherwise known as “aiding and abetting.”

Crimes fall into two basic categories:

1. **Crimes against Persons:** These are crimes that directly injure, attempt to injure, or threaten to injure a person’s body.
2. **Crimes against Property:** These are crimes that directly affect property.

Crimes against Persons

What is homicide?

Homicide is the killing of one human being by another. It may be justified or unjustified. Criminal homicide can be murder or manslaughter. **Idaho Code 18-4001** and **18-4006**

What is murder?

Murder is a felony and defined as the unlawful killing of another person with the intent to cause death. **Idaho Code 18-4001**

What is manslaughter?

Manslaughter is the reckless killing of another person. There are three kinds of manslaughter: voluntary, involuntary, and vehicular. **Idaho Code 18-4006**

What is assault?

Assault is the unlawful attempt and ability to violently injure another person. It can also be an unlawful threat and ability to injure another person, therefore causing him/her great fear. **Idaho Code 18-901**

Sexual Crimes

Whether male or female, every person is entitled to complete control over his or her body. No one has the right to touch an individual in a way that is inappropriate or in a

way that makes him/her feel uncomfortable. If this ever happens, the individual should speak with his/her parents, teacher, counselor, or another trusted friend or relative.

What is rape?

Rape is defined as penetration, however slight, with a female under the following circumstances:

- if the female is under the age of 18 years
- if she is incapable, through unsoundness of mind, of giving legal consent
- if she resists but is overcome by force or violence
- if she is prevented from resistance by threats of immediate bodily harm or by any intoxicating, narcotic, or anesthetic substance
- if she is unconscious and the accuser is aware of this
- if she believes that the person is her husband, a belief induced by pretense or concealment
- if she submits under the belief that if she does not, the accuser will cause harm to some person in the future, damage property, or bring criminal charges against her Idaho **Code 18-6101**

Male rape is defined as penetration, however slight, with a male under the following circumstances:

- if the victim is incapable, through unsoundness of mind, of giving consent
- if the victim resists but is overcome by force or violence
- if the victim is prevented from resistance by threats of immediate and great bodily harm
- if the victim is prevented from resistance by the use of any intoxicating, narcotic, or anesthetic substance
- if the victim is unconscious and the accuser knows this Idaho **Code 18-6108**

Rape is punishable by imprisonment in the state prison for not less than one year, and the imprisonment can be extended to life. **Idaho Code 18-6104 and 18-6109**

What is sexual abuse?

Sexual abuse is a felony for anyone 18 years of age or older, with the intent to solicit a minor under the age of 16 years old, to have sexual contact with a minor child, or to make sexual photographic or electronic recordings of a minor child. Sexual abuse is punishable by imprisonment for no more than fifteen years. **Idaho Code 18-1506**

What is indecent exposure?

Indecent exposure is when a man or woman exposes his/her private parts in public and offends or annoys others. If found guilty of indecent exposure twice in a five year period, the individual will be charged with a felony. **Idaho Code 18-4116**

What is obscenity?

Obscenity is any material that is considered offensive by the average person when applying contemporary community standards. If in its entirety the material does not retain a serious literary, artistic, political or scientific value, it is obscene. **Idaho Code 18-4101**

Can someone give or purchase obscene materials for me?

No, the Idaho legislature has restrained the distribution of obscene materials. Obscene magazines, movies, and other similar items are found to be potentially harmful to minors. These items make it difficult to improve the ethical and moral development of youths. **Idaho Code 18-1513**

What if I think I'm a victim of a sexual crime?

If you think you are a victim of a sexual crime, go to an adult you trust. Tell him/her exactly what happened, and remember *you did nothing wrong*. You should not be embarrassed or feel guilty.

Crimes against Property

What is arson?

Arson is categorized in three ways:

1. Arson in the first degree is the burning of a dwelling or structure where people are normally present. An example would be burning a home at night when the family is sleeping. **Idaho Code 18-802**
2. Arson in the second degree is the burning of any structure. This can be any building or property. For example, burning a run down or abandoned building would be considered arson in the second degree. **Idaho Code 18-803**
3. Arson in the third degree is the burning of personal property or forest property. An example would be setting an intentional, uncontained fire while camping. **Idaho Code 18-804**

What is theft?

Theft is taking property that belongs to another. It may include the wrongful taking or withholding of another person's property by deception, larceny, embezzlement, or extortion. Claiming property that has been lost by another is also considered theft. **Idaho Code 18-2403**

What is shoplifting?

Shoplifting is taking goods from a store without paying or intending to pay for them. Shoplifting can also be known as retail theft. **Idaho Code 48-703**

Shoplifting is a major problem for retailers. As customers, we suffer because we must pay higher prices to make up for the money a store has lost due to shoplifting. Since this is such a serious problem, a shoplifter's age or previous record is generally not a consideration when the offender is prosecuted.

What can a storeowner do to me if I am caught shoplifting?

Merchants or storeowners have a legal right to detain you in their store if you are discovered taking or concealing items. Shoppers are expected to keep all merchandise in full view. If suspected of shoplifting, store personnel may take you into custody. Once in custody, merchants can hold you for a reasonable amount of time and in a reasonable manner. **Idaho Code 48-704**

Do employees steal from stores?

Many times a store loses money through employee theft. It is a form of stealing and may be done by allowing friends to take items, abusing an employee discount, or by charging customers a higher price and then pocketing the money. A merchant trusts his/her employees with merchandise; if apprehended for employee theft, the employee could face criminal penalties and lose his/her job.

What is robbery?

Robbery is theft using force or fear. Taking personal property through force or intimidation is a crime. **Idaho Code 18-6501**

There are two types of fear associated with a robbery:

1. fear of an unlawful injury to person or property being robbed, or of any family member or relative; or
2. fear of an immediate and unlawful injury to the person or property of one in the company of the person being robbed **Idaho Code 18-6502**

If convicted of committing a robbery, the sentence served can be no less than five years in the state prison. It is possible, depending upon the nature of the crime, that the sentence could be life in prison. **Idaho Code 18-6503**

What is burglary?

The definition of **burglary** is simply entering any house, room, apartment, shop, store, barn, or other building, tent, car, airplane, or trailer, with the purpose of committing theft or any other felony. **Idaho Code 18-1401**

What is disorderly conduct?

Disorderly conduct is considered anything that disturbs the peace. This could be loud noise, fighting, or obscene language used around others. Sometimes it can seem very natural to raise one's voice or play a favorite song too loudly in the car. However, by doing so, there is a risk of being cited for disorderly conduct.



Respect for Authority

Do I have to obey law enforcement officials?

Yes, it is very important that you respect and obey all law enforcement officials. They are charged with enforcing the law and protecting you, your family, friends, and the community.

It is illegal for you to resist arrest or obstruct police officers and other emergency technicians while they are working. Remember that law enforcement officials are here to help and to maintain order and safety within our community.

Is it okay to pull a fire alarm?

It is only okay to pull a fire alarm if there is a **real** fire. To falsely pull an alarm is illegal. By doing so, you might cause unnecessary panic and harm. By falsely pulling a fire alarm, you might also keep firemen/women from doing their job at a real fire.

Guiding Questions

- What is the difference between the two classifications of crimes?
- How does shoplifting impact all citizens in a community?

School

Students' Rights and Responsibilities

Do I have to go to school?

An education is vitally important to the development of valuable citizens. It is your legal responsibility, and that of your parents or guardian, to see that you attend school full time until the age of 16. If you move, it is your parents' responsibility to re-enroll you in a new school system. All students enrolled in the public school system must adhere to the school attendance and truancy laws. **Idaho Code 33-202, 33-205, 33-206, and 33-207**

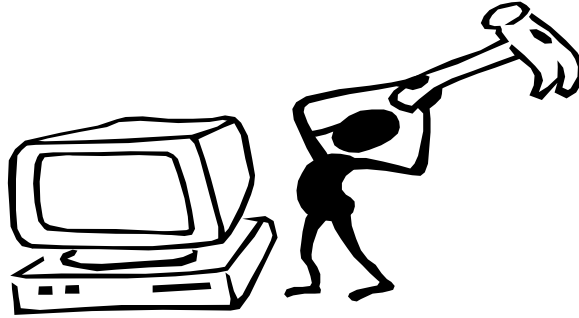
What are my responsibilities as a student?

As a student you should always obey school rules, apply yourself in the classroom, and respect the authority of educators and administrators.

School systems maintain their own codes of conduct that conform to standards set by the State Department of Education. The code of conduct, as well as rules and regulations, is often found in a student handbook. It is important that as a student you read and understand your school's code of conduct.

Attendance is another important responsibility of a student. Attend school regularly and be on time. When in school, follow all rules and regulations. Be respectful of your fellow classmates, maintain good behavior, and concentrate on your studies. While on school property, never hit, swear at, or abuse school employees or other students. **Idaho Code 33-202**

On school grounds or under school supervision, you are not allowed to partake in any illegal activity. This would include drinking, smoking, using drugs, or possessing alcohol or drugs. **Idaho Code 33-210.** Damaging property or causing personal injury to any student or school employee, could lead to suspension or even expulsion. In addition, you and your parents might be held financially responsible.



What are my rights as a student?

Students, along with all other Americans, are protected by the Constitution's Bill of Rights. However, some guarantees found within the Bill of Rights are limited when a student is in school.

Some basic rights include the right to a safe learning environment, the right to learn at an individual's particular level of capability, and the right to instruction in a non-disruptive environment. These are the basic rights of a student, but there are other guaranteed rights.

The Bill of Rights, found in the United States Constitution, guarantees that the government cannot deprive individuals of certain **fundamental** rights. The Bill of Rights applies to young people as well as adults. Some of these rights are the right to privacy, the right to free expression, assembly, and press, the right to due process, and the right to freedom of religion.

Although in school, students are still guaranteed their constitutional rights, the United States Supreme Court has determined that in some circumstances, a student's constitutional right may be challenged to meet educational purposes and missions.

The Right to Privacy

The right to privacy is the right to be left alone and the right to decide what personal information will be shared. It is important that students feel they have some level of privacy within the school. Questions and concerns arise about a student's right to privacy when it comes to lockers, backpacks or cars.

The Fourth Amendment of the Constitution implies the right to privacy. This amendment explains the search and seizure of private property by law enforcement officials with a **warrant**. This applies to one's home, office, car and any other enclosed container or area. For a student, the Fourth Amendment applies to lockers, backpacks or cars. These items are not prohibited from a search by school officials if,

reasonable doubt exists. The Fourth Amendment also addresses the issue of unreasonable and unwarranted searches and seizures.

The issue of student searches was addressed in the Supreme Court. A student's bag was searched and its contents seized after the student was apprehended for smoking on school property. The student claimed that her Fourth Amendment right to privacy had been violated due to the unwarranted search and seizure.

The Supreme Court found that the student's right to privacy under the Fourth Amendment had not been violated. The Court believed that the search and seizure was reasonable. It was decided that any search and seizure of a student's property must provide evidence of a student violation of the law or school rules. There must be reasonable grounds for suspicion. In this case, the student had been apprehended for smoking so the search was reasonable and constitutional. **New Jersey v. T.L.O 469 U.S. 325 (1985)**

First Amendment Rights

First Amendment rights include the right to assembly, the right to free expression, the right to freedom of the press, and the right to freedom of religion. For a student, it may be difficult to determine whether these First Amendment rights are protected in school. For example, is it permissible to pray in school or speak freely? These are not easy questions to answer, but the Supreme Court has set guidelines for First Amendment rights involving students.

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Do I have the freedom to express myself in school?

Yes. In the case of *Tinker*, students were expressing their opposition to the Vietnam War by wearing black armbands. School officials suspended the students on the grounds that they violated a policy that forbade wearing armbands.

Tinker v. Des Moines Independent Community School District 393 U.S. 503 (1969)

Facts: Petitioners wore black armbands to school in order to protest the war in Vietnam and were suspended. The lower federal courts upheld the action of the school authorities.

Issue: Did the actions of the school authorities violate petitioners' 1st Amendment rights?

Decision: Yes

Rationale: This case involves "pure speech" which is entitled to comprehensive protection under the 1st Amendment. It is well accepted that students don't leave their constitutional rights outside the school grounds when they enter the gate. A student has the right to express his opinion on the school grounds as long as the expression does not materially and substantially interfere with the operation of the school. In the current case, the petitioners did not involve themselves in some disruptive conduct. The school officials punished petitioners just because their expression caused mere discomfort and unpleasantness. This alone is not enough. Reversed.

Do I have the right to use school facilities to exercise my right to assemble?

Yes. You have the right to gather freely and utilize school facilities. The **1984 Equal Access Act** makes it illegal for school officials to deny the use of a school facility to one group and accept another group based solely on the content of its speech. **20 USC 4071** Again, as long as your club or group does not cause "material or substantive" disruption, then you are free to gather.

The Constitution also protects the right to assembly. However, it has been determined that most assemblies (excluding those that are school sponsored), rallies, and demonstrations do disrupt regular school activities. Most are held during school hours and are often distracting. If your group wishes to hold a rally or demonstration, you will not be protected by the First Amendment and may be subject to school discipline.

May I write what I want in a school publication?

For the most part you may write what you want. However, school officials can censor publications if there is a valid educational reason for doing so.

Hazelwood School District v. Kuhlmeier 484 U.S. 260 (1988)

Students in a journalism class claimed their constitutional right to freedom of the press and expression had been violated when the principal deleted certain pages of the newspaper. The Supreme Court found that the students' rights had not been violated. The deleted material, regarding a student pregnancy, birth control and a divorce, did not serve an educational purpose. According to this decision, a school does not need to tolerate speech that is inconsistent with basic educational purposes.

As long as your publication is not "materially or substantially" disruptive and serves an educational purpose, it cannot be banned or censored. Even if your publication is school funded, it cannot be banned. You have the right to express your opinion and point of view in any school publication.

Nevertheless, printing untrue material about an individual is libel and is against the law.

May I pray in school or at a school-sponsored activity?

No one can keep you from saying a prayer silently. The First Amendment guarantees that everyone has the right to practice his or her own religion, or no religion at all. However, public prayer is not permissible at school events, such as football games or graduations or in the classroom.

Engel v. Vitale 370 U.S. 421 (1962)

In New York, the State Board of Regents recommended that school districts begin the day with a specific prayer, although students were not required to join in the recitation. The Supreme Court ruled that by using the public school system to encourage recitation of the regent's prayer, New York State adopted a practice that was "wholly inconsistent" with the Establishment Clause of the First Amendment.

The **Establishment Clause** of the First Amendment prohibits the government from promoting or prohibiting religion in any way. Given that the government runs public schools, it cannot promote or prohibit religion. Therefore, students cannot publicly pray in the classroom or at school sponsored activities because it promotes religion. To pray at any activity such as graduation may create an atmosphere of discomfort for students of different religions or of no religion at all.

A student-led prayer at any school-sponsored activity is unconstitutional.

Suspension and Expulsion

What is suspension?

Suspension is the temporary removal of a student from school or class. A school principal cannot suspend a student for more than 5 days. A student may be suspended for disciplinary reasons or for disruptive behavior that affects the educational process.

If suspended, the principal must grant an informal hearing to discuss the grounds for suspension. This hearing would give the student and his/her parents or guardians an opportunity to challenge these grounds. Each school system has its own code of conduct and penalties based on a particular misconduct. **Idaho Code 33-205**

What is expulsion?

Expulsion means a student is not allowed to attend school as punishment for violating a school rule. The school board must approve any expulsion. Grounds for expulsion include habitual truancy or conduct that is deemed continually disruptive. A student may also be expelled if he/she poses a threat to the health and safety of other students.

If expelled for a firearm violation, the student will be prohibited from attending any school for at least one year. The student and his/her parents or guardians will be given written notice stating the grounds for expulsion. Parents or guardians can contest the expulsion and the student will be granted a hearing. **Idaho Code 33-205**

If I am expelled do I still have to go to school?

If you are expelled and under the age of 16, it is necessary that you still go to school. Your parents or guardians will be required to find another school that will accept you. This may include private school, another public school system, a tutor, or an alternative school.

Truancy

What is a habitual truant?

A habitual truant is any student who repeatedly violates the attendance policy of his or her school. A habitual truant may be expelled. It is possible the parents or guardians may also be charged with an offense since they share the responsibility for their children's attendance at school. **Idaho Code 33-206 and 33-202**

Fair Treatment in School

Do all students have the right to receive an equal education?

Every individual residing in the United States has the right to an equal education. This means that all students must be given the opportunity to have a free public education. A school cannot deny an individual an education because of race, ethnic background, religion, sex, or financial status. Schools also cannot deny education based on sexual orientation, pregnancy, disability, or HIV status.

Brown v. The Topeka Board of Education 347 U.S. 483 (1954)

The right to an equal education was decided in this landmark Supreme Court case. The court struck down a decision to **segregate** public schools. It was found that by segregating public schools, African-American students were at a greater disadvantage than Caucasian students, and therefore, did not receive an equal education.

Can students be treated differently because of their gender?

Under **Title IX**, students cannot be banned from educational activities or athletic opportunities because of gender. A school can allow separate teams for boys and girls, but the school must provide the same opportunity for participation.

Can a student be expelled from school because she is pregnant?

Students who are pregnant, have children, or are married cannot be expelled or suspended from school. Our federal law prohibits schools from discriminating against pregnant students, students with children, or married students. A school cannot deny these students the right to participate in graduation, attend classes, or participate in extracurricular activities.

Special classes are often available for pregnant students; some public school systems have special facilities for pregnant students. These often allow a student to finish high school and receive education on parenting. These classes or facilities are optional; pregnant students can choose to stay in the traditional setting.

Can a school discriminate against gay students?

Only a few states have passed laws against sexual discrimination. Some schools have developed their own anti-bias codes, which can be found in a school's code of conduct. Overt discrimination is not allowed, and any student has the right to question whether he or she is being discriminated against.

Title IX does prohibit harassing conduct of a sexual nature, regardless of gender or sexual orientation of the people involved. Noted in *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Student, or Third Parties. Federal Register, U.S Dept. of Education, OCR, March 13, 1997.*

“...harassing conduct of a sexual nature directed at gay or lesbian students may create a sexually hostile environment and, therefore, may be prohibited by Title IX.”

Police investigate burning of teen-ager

IDAHO FALLS –Police are continuing their investigation into an attack that left a 17-year-old severely burned.

Nicholas Graham told police that five men had entered his parents’ house Sunday, dragged him into the garage, doused him with gasoline and set him on fire.

Graham was listed in critical but stable condition at University Utah Hospital in Salt Lake City after suffering second- and third-degree burns to 90 percent of his body.

Idaho Falls police offices spent Sunday night searching for clues of an attack, but have found few, Lt. Jared Fuhriman said.

Friends interviewed by police said Graham had recently complained of being harassed by others.

Edition Date: 08-28-2002

Guiding Questions

- What happens if a police officer finds cigarettes in your possession?
- Can teachers or administrators open a locker and/or search the belongings?

Alcohol and Other Drugs

Alcohol, tobacco and drugs have caused serious problems in society. Many students have friends who have experimented with drugs and alcohol. They may also have felt pressure to accept a cigarette or an alcoholic drink. Peer pressure oftentimes makes it difficult for youths to say no. This chapter will help explain the laws regarding alcohol, drugs, and tobacco.

Alcohol

What is an alcoholic beverage?

An alcoholic beverage is any fermented liquor that has been distilled. Spirits are beverages that contain water and another solution such as brandy, whiskey, or gin. Wine is a beverage that contains the sugar of fruits or other agricultural products.

Idaho Code 23-105

At what age can I buy an alcoholic beverage?

You must be 21 years old before you can purchase any alcoholic beverage. **Idaho Code 23-312**

What if I consume alcohol before I turn 21?

If you are arrested for drinking or attempting to buy alcohol before you are 21, you will be charged with a misdemeanor. You could face time in jail, pay a fine, or both. **Idaho Code 23-604**



What if my parents give me permission to drink?

It does not matter if your parents allow you to drink at home or at family functions; it is still against the law.

May someone sell alcohol to me or buy it for me?

If a person tries to purchase alcohol for you or tries to sell it to you, he or she may be charged with a misdemeanor. A second violation will result in a felony charge. A business could lose its liquor license, and/or be fined, for selling alcohol to a minor.

Idaho Code 23-603

May I ride in a car with someone who has an alcoholic beverage?

This depends on whether the person you are with is under or over 21 and if the alcoholic beverage is open. If you are with someone under 21 and an alcoholic beverage is in the car, opened or unopened, you could be charged with a misdemeanor. It is illegal for any one under the age of 21 to possess alcohol. **Idaho Code 23-604**

No person of any age may have an open container of alcohol while driving a car.

What if I'm not drinking but just holding an alcoholic beverage?

Again, it is illegal for anyone to possess alcohol if he/she is under 21 years old. This includes holding an alcoholic beverage. **Possession** is not just limited to ownership. It may include having or holding property in an area that you control, such as your backpack, locker, or car. **Idaho Code 23-604**

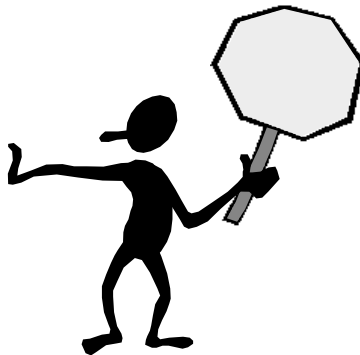
If I am a waiter or waitress may I serve alcohol when working?

If you are 19 or older, you are permitted to sell, serve, and possess alcohol during the hours you work. The place in which you sell alcohol must be your place of employment. **Idaho Code 23-949**

What is a DUI?

DUI is "driving while under the influence" of drugs or alcohol. Police officers decide whether a person is under the influence by testing the amount of alcohol in his/her blood. For a minor, the amount of alcohol necessary to be under the influence is between 0.02 and 0.08. For adults the amount of alcohol is 0.08 or higher. **Idaho Code 18-8004**

If convicted of driving while under the influence of drugs or alcohol, an individual could face jail time. He/she may also lose his/her license, pay a fine, or be required to go through an alcohol rehabilitation program.



Teen drinking hits Southeast hard

Boise office tell BSU students not to buy for teens

In Southeast Boise, alcohol is making its way into the hands of high schoolers and causing increasingly serious problems.

Recent incidents involving minors and alcohol have Timberline High School Resource Office Ron Ellsworth and the Boise Police Southeast Neighborhood Service Team focusing on ways to combat the problem.

One key point of attack is to persuade Boise State University students and other adults not to provide alcohol to teens, Ellsworth said.

A few weeks ago, a Timberline High School student was treated in St. Luke's emergency room for alcohol poisoning after he and two friends had an adult buy alcohol for them, Ellsworth said.

Less than three months ago, a 15-year-old Timberline student died and another student was arrested after a shotgun went off at a birthday party where police said alcohol was involved. The 17-year-old has pleaded guilty to involuntary manslaughter.

The 31-year-old resident of the Warren Street duplex where the party was held was away from the party buying alcohol for the teens when the shooting took place, police said. The man pleaded not guilty to a misdemeanor charge of dispensing alcohol to minors and remains in the Ada County Jail.

These and other incidents have convinced police that underage drinking is increasing, and adults are contributing to the problem. So officers are spreading the word – and adults are contributing to the problem. So officers are spreading the word – and may plan a sting operation in the future.

"This is a crime, and we will charge anyone who's found to have contributed to the delinquency of a minor," Ellsworth said.

Buying alcohol for minors is a violation of **Idaho Code 23-603** and is prosecuted as contributing to the delinquency of a minor, punishable by six months in jail and a \$300 fine.

Tobacco

What is tobacco?

Tobacco is an agricultural crop that is usually rolled in paper and smoked. Tobacco leaves are sometimes dipped or chewed so the nicotine is absorbed directly into the gums. It can come in the form of cigarettes, chewing tobacco, dip, cigars, or pipe tobacco.

May I buy cigarettes?

No. If you are under the age of 18 you may not buy cigarettes or any other tobacco product. It is against the law for a minor to attempt to purchase cigarettes by using a false identification or lying about his/her age.

If arrested, you could be convicted of a misdemeanor and face up to six months in jail or a three hundred dollar fine or both. If under 18, you could also be required to attend a tobacco awareness program and perform community service in programs that pertain to tobacco awareness. **Idaho Code 39-5703**

May I sell cigarettes if I work somewhere that sells them?

If you are under 18 you can possess cigarettes for duties such as stocking shelves or carrying purchases to a customer's car, but you cannot sell or distribute tobacco products. **Idaho Code 39-5703**

Other Drugs

What are some other dangerous drugs?

A number of dangerous drugs can be found within the community.

Hallucinogens: These are substances that affect the central nervous system by distorting perceptions of reality. Some well-known hallucinogens are marijuana, mushrooms, PCP, and LSD.

Stimulants: These are substances that temporarily increase the function of the heart, lungs, brain or nervous system. Common stimulants include speed, crank, coke, crack, and crystal meth. Stimulants are also considered uppers.

Sedatives: These substances depress or slow down the body's functions often leading to sleep or sedation. These may be tranquilizers or sleeping pills. Well-known sedatives are Valium, Nembutal, and Tranxene. Whereas stimulants are uppers, sedatives are downers.

Inhalants: These are substances that are sniffed or huffed and give the user an immediate high or head rush. Cleaning supplies and aerosols are the most commonly used inhalants.

What is the date rape drug?

Four common date rape drugs are GHB, GBL, ecstasy, and roofies. The offender uses the drug to make the victim unconscious. The offender is then able to rape the victim or harm him/her in some other way.

How can I protect myself from date rape drugs?

It is important that you always keep your drink with you. Never let someone get you a drink or offer to pour one for you. These drugs can be slipped into alcoholic *and* non-alcoholic drinks. They are colorless and odorless and virtually impossible to detect.

What is drug trafficking?

Drug trafficking is the possession of large quantities of illegal drugs. Trafficking is oftentimes more serious than possession or distribution because the quantity indicates selling for profit. Penalties for trafficking differ with each drug.

In Idaho there are four different charges for trafficking marijuana. The following is an example of one trafficking charge.

If an individual is apprehended with one pound or more but less than five pounds, or possesses twenty-five plants but fewer than fifty plants, he/she can be sentenced to one year in prison and fined not more than five thousand dollars. However, if an individual is apprehended with twenty-five pounds or more, or has 100 or more marijuana plants, he/she can serve five years in prison and pay a fine up to fifteen thousand dollars.

Idaho Code 37-2732B

What is drug paraphernalia?

Drug paraphernalia are products used in the production, distribution, and use of controlled substances, such as needles, pipes, rolling papers, bongs, vials, etc. It is against the law for any person to use, possess, or manufacture drug paraphernalia. When apprehended, an individual will be charged with a misdemeanor and may serve up to one year in prison and fined no more than one thousand dollars, or both. **Idaho Code 37-2734A**

Students want a straight story about safety, crime, drugs

Pocatello schools make kids active in crime prevention

POCATELLO – School safety information should be a two-way street, students say.

Last winter, two boys, ages 13 and 14, were arrested at Hawthorne Junior High School for allegedly buying and selling cocaine at the school. The ages of the boys shocked some community members and concerned students.

"I feel more safe at school if people tell us what happens," said Natalie Smith, 14 a ninth-grader. "I found out about the drug bust in the paper. I need to know what to look out for."

Smith- along with eight-graders Mary Totson, 14, and Eric Hall, 14 and more that 40 others in the school – are members of a group called Natural Helpers.

At the beginning of the school year, all student s submit two names of fellow students with whom they feel comfortable talking. The entire student body votes, and the highest vote getters are trained in what to do and where to go if they see or hear about problems, crimes or threats.

Edition Date: 06-03-2002

Guiding Questions

- What are the risks associated with having friends who are drug or alcohol users?
- What resources are available in the community that helps in the prevention and treatment of drug, alcohol and tobacco use?

Parent–Child Relationship

Parents have certain rights and responsibilities. Idaho laws encourage parents to care for their children and take responsibility for their upbringing. Parents must also teach children their rights and responsibilities. This section will explain laws specific to parents and their children.

Parents' Responsibilities and Rights

What does the law say about the relationship between parents and their children?

A father and mother are entitled to the custody, service and earnings of their child.
Idaho Code 32-1007

What responsibility do I have to my parents?

It is your legal responsibility to follow your parents' rules and to observe their decisions. This can be frustrating. Often teens are torn between feeling like adults while still being juveniles.

What are my parents' responsibilities to me?

On the day of your birth, it became the responsibility of your parents to provide you with food, clothing, shelter, and medical care. Parents should also provide supervision, discipline and protection. It is your parents' responsibility to support you and provide you with an education. **Idaho Code 32-1003**

What if I'm a parent as well?

The law does not change even if you are a minor with a child of your own. The parental responsibilities remain the same. However, as a parent, you are required to take on the same responsibilities toward your own child.

Can my parents spank me?

Parents do have the right to discipline their children, and as long as the children's health and welfare are not endangered, spanking may be used.

Must I live with my parents?

You do not have to live with your parents, but they have the legal right to determine where you do live. Some children live with aunts and uncles while others stay with grandparents.

If my parents are divorced, where do I stay?

In most divorce cases, a judge will help determine where you will stay. Many factors are taken into consideration such as parental stability. It would be uncommon for a judge to place a child with a parent who travels and is seldom home. The wishes of the child are often taken into consideration. **Idaho Code 32-717**

Can my parents take the money I earn?

Your parents can take the money you earn for household expenses relating to your care. If your employer is notified within thirty days from the day you begin your job, your paychecks may be sent straight to your parents. **Idaho Code 32-1004**

Is it legal for my parents to open my mail?

According to the **United States Postal Service Domestic Mail Regulations, Section 153.22**, your parents have control over and can accept delivery of your mail.

What can happen if I refuse to obey my parents?

Your parents can discipline as they see appropriate, as long as your health and welfare is not endangered. If they decide they can no longer care for you because of your behavior, it is possible that the juvenile court system will assume responsibility.

When do my parents no longer have control over me?

At the time you turn 18 years of age, you will legally be considered an adult. Your parents will no longer have a legal responsibility toward you, nor will they have legal control over you. This is called emancipation, reaching the "age of majority."

What is emancipation?

Emancipation occurs when an individual legally becomes an adult and assumes control and responsibility for himself/herself. A juvenile may become emancipated before 18 if he/she marries or is declared emancipated by a court.

Parents' Liability

What does parents' liability mean?

This means that parents are responsible for their children's actions until age 18.

Can anything happen to my parents if I damage someone's property?

It is possible that your parents will be required to pay for any injury or damage for which you are responsible.

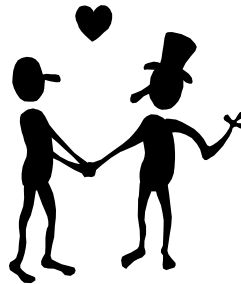
What if I damage school property?

Again, your parents could be liable for any damage to school property. Additionally, you will likely face some form of punishment such as suspension or expulsion.

Marriage

When it is legal for me to marry?

Legally, you can marry anytime after your 18th birthday. However, if you are between the ages of 16 and 18, you must have written consent from your parents or legal guardian. **Idaho Code 32-202**



Child Neglect and Abuse

What is child neglect?

Child neglect is when parents fail to honor their responsibility to care for their child. Neglect may include the failure to provide medical treatment, adequate food, shelter, clothing, and supervision.

When neglect has been proven to cause physical or emotional injury to a child, it is considered a misdemeanor. If convicted, up to one year may be spent in county jail or

up to ten years in the state prison. If a child suffers bodily harm or death as a result of being transported by an adult who is under the influence of alcohol or drugs, the charge is a felony. The offense is punishable by up to ten years in the state prison unless a more severe sentence is prescribed. **Idaho Code 18-1501**

What is child abuse?

Child abuse is a more serious form of child neglect. Child abuse is when a child's health and welfare is endangered. This may include any intentional harm, reckless behavior, or any physical or emotional injury. **Idaho Code 18-1501**

Child abuse may occur in many ways. Leaving children home alone if they are unable to completely and safely care for themselves may be considered child abuse. Physically harming a child is considered child abuse. Driving while under the influence with a child in the car is considered child abuse. Any activity that causes or could potentially cause harm to a child is child abuse.

What should I do if my parents abuse or neglect me?

Most importantly, do not blame yourself. If your parents are abusing or neglecting you, it is not your fault. If possible, go to the police or to someone you trust. Teachers, counselors, religious advisors, or a trusted friend's parents may be sources for help.

Even if you are threatened with harm for exposing the abuse or neglect, it is essential to get help. Do not be frightened; getting help could save your life.

Who should report child abuse or neglect?

Professionals such as doctors, teachers, and social workers are required to report any and all suspected child abuse/neglect. Private citizens are not required by law to report child abuse or neglect, but it is strongly advised that they do so. They can remain anonymous.

If someone falsely reports child abuse or neglect, he/she will be required to pay the amount of damages incurred or at least five hundred dollars, plus attorney fees and the cost of the suit. **Idaho Code 16-1620A**

What happens to a child if a report of abuse or neglect is true?

Idaho has a Child Protective Act that was developed to preserve the health and welfare of all children. Under this act, if a case of abuse or neglect is deemed true, the state will take every measure to ensure that the child is protected from further abuse. The safety of the child is the primary concern of the state.

Through community agencies, the state works to protect the child by taking a number of steps. The child may be removed from his/her home and placed with relatives or in foster care. However, it is generally considered in the child and state's best interest to keep the child with family. Actions are taken to provide stability and permanency for

the child in an abuse-free environment. Steps are also taken to help the parents through counseling and other care. **Idaho Code 16-1601**

What is domestic violence?

Domestic violence is a serious problem within all communities. Domestic violence occurs when an individual within the home is assaulted. This assault can be physical, emotional, or sexual.

Domestic violence may happen to anyone, in any home, in any community. It is important to remember that domestic violence does not discriminate. Rich or poor, young or old, **it may happen to anyone**. Shelters for abused women and children are found in most communities. Crisis hotlines are available for victims to gain support and information. Protections from abuse orders are obtainable. It is necessary for the community to become involved to end the cycle of violence.

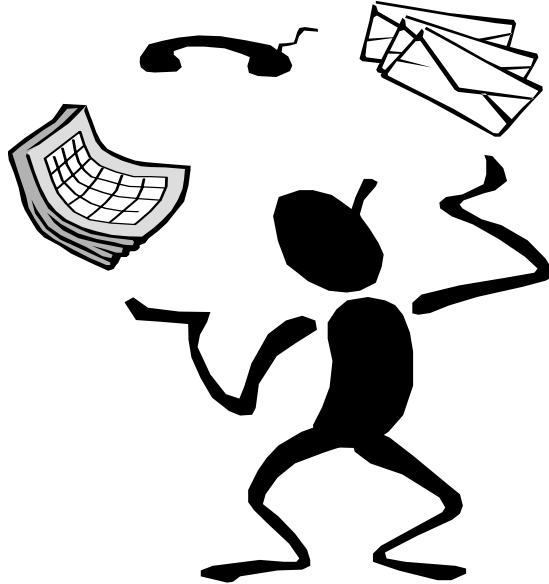


How can I help in my community?

With community support and involvement the victims of domestic violence will be guaranteed the help they need. Volunteers are needed to staff hotlines, make donations, or teach awareness. To learn more about volunteering in your area, contact the Women and Children's Alliance in Boise, Idaho, at (208) 343-3688 Extension 21.

Guiding Questions

- What is the difference between abuse and neglect?
- Why does society have a special interest in protecting children?



Work

Although exciting for a teenager to have his/her own spending money, it is important to know the laws pertaining to employment for minors.

Work

How old do you have to be to get a job?

No one under the age of 14 is allowed to work in any public place. However, a juvenile under 14 may baby-sit, mow lawns, or do chores for pay. If 16 years of age or younger, the employment cannot occur during school hours. **Idaho Code 44-1301 and 44-1302**

How many hours in a day may I work?

If you are under the age of 16 you are not permitted to work more than forty hours in any one week, nor more than nine hours in any one day. You cannot work anytime before six o'clock in the morning or anytime after nine o'clock in the evening. **Idaho Code 44-1304**

When can I work full time?

You may work a full-time job if you are 16 years old and no longer in school.

Permitted and Prohibited Work Places

May I work in a restaurant where alcohol is served?

You may work in a restaurant, but are not allowed to serve alcohol until you are 19 years old. **Idaho Code 23-949.** You may work as a bus-boy/girl, hostess, dishwasher, or as a waiter or waitress who does not serve alcohol, if you are at least 16 years old.

How much should I be paid?

If you are working legally, you should be paid at least the legal minimum wage. Some jobs may pay more, but you should never accept less. If you are a waiter or waitress, the hourly wage might be less than the minimum wage, but in that case, you will earn tips.

What if I am not paid enough according to the law?

Speak with your employer first. The problem could be nothing more than clerical. Give your employer the opportunity to fix the problem. If this is unsuccessful, you may file a complaint with the United States Department of Labor and the Equal Employment Opportunity Commission Wage and Hour Division. You may also report your employer to the Better Business Bureau.

May I sell magazines or other things door to door?

If you are taking part in a school or community fundraiser, you may sell door to door. It is a good idea to have identification with you and to notify others of your general whereabouts.

Some areas such as apartment complexes or certain neighborhoods have “no solicitation” rules. You are not allowed to sell door to door in these areas.

Are there special laws for babysitters?

There are no special laws for babysitters, but there are a few general safety guidelines:

- Keep a list of emergency numbers such as the police and fire department by the phone.
- Have the number where the parents can be reached.
- Check the children frequently and do not be distracted from the job by watching television, reading a book, or talking on the phone.
- Do not open the door for anyone unless specifically instructed by the parents.
- Remain at the home until the parents return.
- Do not allow friends to visit.
- Respect the employer by not making too much noise, eating too much food, or making a large mess.

- Work for people you trust. It is wise for the sitter's parents to meet the potential employer.

Most communities have babysitting safety courses that can be taken through the police department, local hospital, or American Red Cross. These courses help prepare the sitter for general safety and security concerns. They also teach the basics of child care.



Guiding Questions

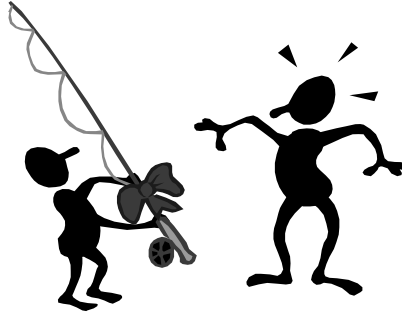
- What skills or personality traits might help a juvenile be hired for his or her first paying job?

Recreation

Hunting and Fishing

Do I need a license for hunting and fishing?

Yes. In most cases it is necessary to obtain a license before hunting or fishing. If hunting, you must first acquire a junior hunting and trapping license. This type of license is only issued to persons who are residents of the state of Idaho and between the ages of 12 and 17. If trapping only, a license will be issued to those 17 years of age or younger. A license for small game hunting/trapping will be issued to qualified residents of Idaho who are at least 10 years old and accompanied by a licensed adult. Small game includes, but is not limited to, upland game birds (turkeys), migratory game birds and cottontail rabbits.



If fishing *and* hunting, a junior combination license will be issued to those who are residents of Idaho and between the ages of 14 and 17. **Idaho Code 36-404**

How do I obtain a license?

You must first apply for your license. To do so, you must show proof of residency, class of license desired, and name and age. Depending upon the class of license, your fee could range from \$14-\$28. **Idaho Code 36-405**

Am I required to take a hunting safety course?

It is necessary to take a hunter education course and be issued a certificate of completion. This certificate is required if applying for a license to hunt. **Idaho Code 36-411**

When is it not required to have a hunting or fishing license?

There are number of cases when a hunting/fishing license is not required. For instance, a child under the age of 14 does not need a fishing license if fishing during the open season. A child under the age of 12 does not need a hunting license if hunting with a weapon other than a firearm. **Idaho Code 36-401**

Camping

Where may I camp?

You may camp in any area that is marked as such. This would include national parks, state parks, and other areas that are set aside for camping. Most cities restrict camping in public parks. Camping on another's private property is considered trespassing.

To protect the wildlife and yourself, it is important to follow all guidelines while camping. Respect the rules regarding littering, fishing, hunting, use of campfires, and noise. Be sure to check with camp officials or park rangers before setting up camp.

Are there rules for public parks?

Most parks have rules about closing times, vehicles in the park, use of weapons and alcohol, noise, littering, and fires. Public parks are for the enjoyment of the entire community. Know the rules before spending a day in the park. Call the Department of Parks and Recreation if you have any questions.

Pets

Are there laws for pet owners?

Being a pet owner is much like being a parent. The pet depends upon the owner for food, shelter, and medical attention. There are laws against cruelty to animals.

Does a dog need to be on a leash?

A dog does not need to be on a leash on the owner's property. Some cities have passed ordinances called "leash laws." This means that in most public places, dogs are required to be on a leash and cleaned up after.

May I have a wild animal for a pet?

Wild animals are just that, wild. Capturing animals and taking them as pets is not safe. Some wild animals may carry diseases such as rabies and are not easily housebroken.

What is the law regarding cruelty to animals?

Cruelty to animals is a serious offense. Pet owners have a responsibility to care for the pet, providing it with the necessities. If arrested for causing harm to an animal, the owner could be charged with a misdemeanor. **Idaho Code 25-3504**

Teenagers sought in connection with crime

Canyon County sheriff's detectives issued warrants for the arrest of two teens and plan to issue a warrant for a third teen in connection with the killing of a pet cow and other charges.

They are being sought on charges of grand theft and destruction of livestock, both felonies, stemming from a crime spree near the 500 block of East Locust Lane south of Nampa in early October, according to reports. The crime spree including theft of several items from cars in the area and the theft of a car.

Two of the boys live in the Nampa area, and the third boy is a former Nampa resident now living in Boise, according to detectives.

Witnesses who helped identify the boys are asked to call the Canyon Country dispatch center at 454-7531 if they have information on the boys' whereabouts.

Edition Date: 10-17-2002

What if I know someone who abuses animals?

You should report him/her to the local authorities or to an adult you trust.

Parties

What should I remember if I have a party?

A party is a time that should be enjoyable. It is important to respect your neighbors and their property. Playing loud music, fighting, or running through the neighborhood could be considered disorderly conduct, and you may be cited for disturbing the peace. Unless you and your friends are all 21, it is illegal to drink alcohol.



Curfew

What is curfew?

Curfew is the time set by city or county officials when a minor is no longer allowed to be on the streets without lawful business. There are exceptions such as traveling to or from work. Check with local city officials to see when curfew begins. It is illegal to violate curfew, and the offense is punishable in juvenile court. **Idaho Code 20-549**

Guiding Questions

- Why does a community enact a curfew for minors?

Weapons and Fireworks

According to the Idaho State Police 2001 Crime in Idaho report, a weapon law violation occurs every 7.7 hours; of the 3,192 reported violent crimes, 552 involved the use of a firearm.¹ This section will describe the laws pertaining to firearms and other weapons.

What is a deadly weapon?

A **deadly weapon** is a firearm or any other object designed for the purpose of inflicting death or serious physical injury. Such items include pistols, rifles, knives, or daggers.

A **firearm** is a weapon from which a shot is discharged by gunpowder.

What is a dangerous instrument?

Depending upon how it is used, any item capable of causing death or serious injury is classified as a **dangerous instrument**. These items may include a car, rock, hypodermic needle, box cutter or even a pencil.

Firearms

Who may own a gun or other weapon?

Anyone under the age of 18 is not permitted to own a gun, dirk, dirk knife, dagger, pistol, revolver, or gun. However, if a juvenile has written permission from a parent or guardian, is in the presence of a parent or guardian, or is under 12 years old and has adult supervision, possession is legal. If none of these apply and a juvenile is apprehended with a gun or any other weapon, he/she will be charged with a misdemeanor. **Idaho Code 18-3302E**

May I use a gun even if I don't own it?

You may use/possess a gun even if you are not the owner, but only for the following purposes:

Idaho Code 18-3302G

- for use at a target range
- for use at a handgun or hunter's safety course
- for use in competition
- on real property with permission from the owner and your parents
- with a valid hunting permit or in the presence of someone with a valid permit

¹ Idaho State Police: www.isp.state.id.us/idenification/ucr/2001/2001CrimeInIdaho.pdf

May I have ammunition?

Juveniles may not have ammunition for use in a handgun. It is illegal to sell or give juveniles handgun ammunition. **18 U.S.C. Section 922**

May someone give me a gun?

No. It is illegal for anyone to sell or give you a gun, directly or indirectly, without the written consent of your parent or guardian if you are under 18 years old. This would include pistols, revolvers, daggers, and other knives. An individual apprehended for giving or selling a gun to a minor could face up to six months in jail and/or a \$1000 fine. **Idaho Code 18-3302A**

What if I bring a weapon to school?

Bringing a weapon to school is a very serious offense and is not taken lightly. It is illegal to bring any firearm or deadly weapon onto school property, including any school transportation. It is also illegal to bring a firearm or other weapon to any school sponsored event, whether or not that event is on school property. Bringing any weapon to school may lead to one year in prison and/or a fine of \$1000. As a juvenile, you will be put on probation, expelled from school, and enrolled in a program to obtain your GED. **Idaho Code 18-3302D**

What if I have a weapon just to scare someone?

Carrying a weapon to scare someone is considered a misdemeanor. If you draw a weapon in a threatening or violent way while in the presence of two or more people, you will be guilty of a misdemeanor. **Idaho Code 18-3303**

What are some of the other laws regarding firearms?

Pointing a gun at another intentionally, without malice, is a misdemeanor with a fine of up to \$50. **Idaho Code 18-3304**

If the firearm is aimed at another and discharged, intentionally and without malice, the penalty could be a misdemeanor charge and a fine of \$100 and/or up to 6 months in the county jail. **Idaho Code 18-3305**

Local experts will teach calling, archery, gun safety at hunting clinic

Roger Phillips
The Idaho Statesman

Youth hunters and those interested in becoming hunters will have a rare opportunity to learn about the sport from top-caliber local hunters at a free kids hunting camp in Emmett on Saturday, March 30.

The clinic is sponsored by the North American Elk Federation, a new group dedicated to hunting, conservation and education.

"We believe in promoting hunting and portraying it in a good light for the next generation," event organizer Scott McGann said. "We know kids are the future of the sport, and we want to pass on good habits."

The camp is set up for all youths interested in hunting, and McGann said he especially hopes to attract youths from single-parent homes, or kids who are interested in hunting, but don't have a parent or relative who can teach them about the sport.

"We want to make sure that any kid who wants to learn about hunting gets the chance," McGann said. "Hopefully, they will go away with a good sense of hunting."

Edition Date:03-21-2002

Fireworks

May I buy fireworks?

Minors under the age of 16 are not allowed to buy fireworks unless accompanied by an adult. If a minor causes damage or injury while using fireworks, his/her parents will be liable. **Idaho Code 39-2611**

When may fireworks be purchased and/or sold?

Fireworks may be purchased and/or sold only during specific times of the year. These dates and times are from midnight June 23rd through midnight July 5th and from midnight December 26th through midnight January 1st. **Idaho Code 39-2606**

What are the laws regarding fireworks?

Fireworks may not be altered in any way. They may not be thrown from a moving vehicle at a person, building, or other object. Fireworks may not be used in any area that is considered a fire threat, such as woods, campsites, or dry areas. Any posted notices should be observed. **Idaho Code 39-2609**



Guiding Questions

- Under what circumstances could a rock or a pencil be considered a ‘dangerous instrument?’
- What are the consequences for bringing a weapon to school?

Transportation

Whether traveling by car, bicycle, bus, or skateboard, there are rules that every motorist must follow. This section will clarify the laws regarding transportation safety.

Bicycle

What is the legal definition of bicycle?

A **bicycle** is a type of vehicle that is propelled by human force. It has two wheels, handlebars, and a seat. **Idaho Code 49-103**

Are there laws for bicycle riders?

The rules of the road apply to both drivers and riders. A bicyclist must yield to all on-coming traffic, stop at red lights before entering intersections, and signal when turning. A bicyclist must also ride one person at a time unless using a child safety seat. **Idaho Code 49-715**

Do I need any special equipment to ride a bike?

You should always wear a bicycle helmet for protection from head injury. Legally, you should have a light, visible at least 500 feet in front of you, and a reflector clearly seen from the rear, if traveling at night, or at questionable times of the day, such as early morning or during heavy fog. **Idaho Code 49-723**

What are the most important road rules to follow?

If riding on a sidewalk, a bicyclist must yield the right of way to pedestrians. **Idaho Code 49-721** All of the traffic rules that apply to drivers, apply to bicyclists. **Idaho Code 49-714**

Motor Vehicles

What is a motor vehicle?

A motor vehicle is any device that has a motor and runs on its own and is used for transporting people or property on a highway. **Idaho Code 49-123**

What are the laws for motorcycles, mopeds, and motor scooters?

The rules of the road apply to these motor vehicles as well. A person operating one of these must use the permanent, regular seat and carry only the number of passengers for which there is proper seating. If under the age of 18, a safety helmet must be worn.

Idaho Code 49-665 and 49-666

May I borrow someone's motor vehicle?

You as the driver will be responsible for any mishap. For example, if you are in an accident, you will be responsible for any traffic violations and vehicle repairs. As the driver, you are also legally responsible if the vehicle is not in good working order, such as having a burned out tail light.

What is the posted legal speed limit?

Idaho has a posted legal speed limit of 75 miles per hour on the interstate, 65 miles per hour on the highway, 55 miles per hour if no speed limit is posted, and 35 miles per hour in all residential, urban and business areas. The posted speed limit is reduced to 20 miles per hour in school zones. Speed signs are clearly posted. **Idaho Code 49-654**

What happens if I am charged with a traffic violation?

Traffic violations are usually handled in traffic court and district or municipal court. In most proceedings, you will be treated as an adult. Most traffic violations are considered misdemeanors and you may be required to pay a fine, have your license suspended, be placed on probation, or perform community service. **Idaho Code 49-236, 49-1503**

Can I get a ticket if my lights do not work?

Yes. As the driver, it is your responsibility to keep the vehicle in good working condition.

Is it okay to hang something from my rear view mirror?

You should not hang any items that could potentially block your view of the road or reduce your vision in any way.

What do I do if an officer stops me?

Stay calm and remain in the car. Answer the officer's questions and comply with all of his/her reasonable requests. Make sure that your passengers keep quiet so you can communicate with the officer. If you are issued a citation, be sure to sign it even if you think you are not guilty. This is just an acknowledgment that you will appear in traffic court or pay the fine.

What if I am involved in a car accident?

If you are involved in a car accident, remain calm. If possible, pull over and notify the police. However, if someone is injured, get medical assistance as soon as possible. Turn on your emergency lights. When the officer arrives, you must provide him/her with all your current information (name, address, registration, proof of insurance and driver's license). In most cases, the officer in charge will exchange your information with the other driver if damage to either vehicle has occurred. If you falsify or provide incorrect information, you could be guilty of a misdemeanor. **Idaho Code 49-1302**

What if I am involved in an accident and leave the scene?

Never, under any circumstances, leave the scene of an accident. Always remain until the police arrive. They will let you know when you are permitted to leave the scene.

What if I damage another car but the owner is not there?

If the vehicle is unattended, try to locate the owner or leave a detailed note with all your contact information. Include an account of the accident and the names and contact information of any witnesses. **Idaho Code 49-1303**

Should I always wear my seatbelt?

Never operate a car without using your seatbelt. They were designed to keep you and your passengers safe. If you are stopped for a traffic violation and are not wearing your seatbelt, there is an additional fine. **Idaho Code 49-673**

Boy, 16, hospitalized after roll-over accident north of Twin Falls

Twin Falls – A 16-year-old boy was hospitalized Sunday after a one-vehicle rollover accident north of Twin Falls.

About 12:30 a.m. a car driven southbound on U.S. 93 by Heather M. Bloxham, 18, of Twin Falls rolled after Bloxham apparently fell asleep, the vehicle left the road, she overcorrected, and the vehicle rolled after it came back onto the road, Idaho State Police said.

Passenger Aaron P. Ash of Twin Falls was ejected from the back seat. He was not wearing a seat belt, ISP said.

Ash was taken to Magic Valley Regional Medical Center, and then transferred to Saint Alphonsus Regional Medical Center in Boise, ISP said.

No condition information on Ash was released Sunday because he is a minor, hospital officials said.

After the accident Bloxham, who was wearing a seat belt, got out of the car to check on Ash and lost consciousness. She was taken to Magic Valley Regional Medical Center, ISP said.

The accident is under investigation.

Edition Date: 06-16-2002

Driver's License

When may I get my license?

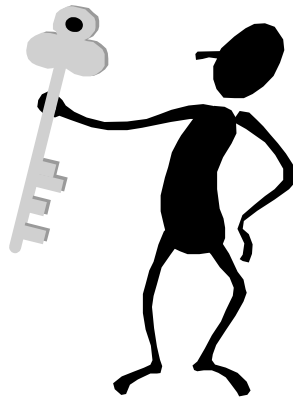
You may get your driver's license when you turn 15 years of age. After you have taken the approved drivers training course and have put in the prescribed number of hours, you may apply for your license. At 15, you will be permitted to drive during daylight hours only and will have full driving privileges upon your 16th birthday. **Idaho Code 49-303**

How do I get my driver's license?

After you have taken your driver's training course and have subsequently passed the driver's training written exam, you may apply for your driver's license. The license may be obtained at the Department of Motor Vehicles. The following are required: birth certificate, eye exam, certificate of completion from a driver's training course, and payment of a fee. **Idaho Code 49-306**

What else must I have before I may drive?

After you have received your driver's license, you will also have to secure vehicle registration and proof of insurance.



Guiding Questions

- What are the responsibilities that accompany the privilege of driving?
- Why must drivers in Idaho obtain proof of insurance?

Glossary

Acquit: declare not guilty; set free after considering evidence

Adjudicate: to serve as a judge in a dispute or problem

Adult: an individual who is 19 years of age or older

Alcohol: any drink that has at least ½ of one-percent alcohol

Appellate Court: court of appeals; appellate courts do not try cases nor do they have juries or witnesses; they review questions of law or allegations of procedural error arising in the trial court

Arson: setting fire to or burning any building including one's own property

Assault: acting in a manner that causes physical injury (criminal); the willful attempt or threat to unlawfully touch or hurt another (civil)

Attorney: an individual who has studied law, passed the bar exam to qualify to practice law, and is licensed to practice law in accordance with state regulations

Attorney General: the chief law officer of the executive branch of a state or the federal government

Autonomy: the right of an individual to absolute control of himself/herself

Bail: a sum of money exchanged for the release of an arrested person as a guarantee of that person's appearance for trial

Battery: the intentional and offensive touching of another person without his or her consent (civil)

Bicycle: a vehicle that has two wheels, one behind the other, handlebars for steering, a seat, and is propelled by the action of the rider's feet on the pedals

Burglary: entering another person's property or home without permission or remaining there against the owner's wishes with the intent to commit a crime

Child: an individual under the age of 18 or 19 years of age; the juvenile court standard is applied to any matter before the individual's 18th birthday

Child Abuse: the harm or threatened harm to the health or welfare of a person under the age of 18 years; harm is an intentional, reckless or negligent physical or emotional injury, or sexual abuse

Child Neglect: when a parent fails to meet his or her responsibilities to take care of a child; neglect includes, but is not limited to, the failure to provide adequate food, medical treatment, supervision, clothing, or shelter

Circuit Court: a trial court that has exclusive jurisdiction in all civil matters greater than \$10,000 and all felony prosecutions in criminal matters

City or County Ordinances: laws created in a city or county that are applicable only within their boundaries

Civil Case: a lawsuit involving enforcement of private rights, such as malpractice or divorce as opposed to a criminal case which involves a charge by the government against a defendant alleging a public wrong, such as murder

Class Action: a suit brought by one or more plaintiffs on behalf of a large group who have a common interest

Code of Idaho: a collection of laws created by the state legislature

Common Law: the system of laws, originated and developed in England, based on court decisions rather than on codified written laws; the rule that an individual is "presumed innocent until proven guilty beyond a reasonable doubt" is an example of common law

Complicity: to help another person commit a crime; also known as "aiding and abetting"

Concealed Weapon: a weapon not in clear sight of a casual observer

Contingency: a fee paid to an attorney based on a percentage of the sum awarded in the lawsuit

Contract: a set of promises between two or more people that are legally binding

Convict: to prove guilty

Crime: an act that is against the law

Criminal Case: a case in which the state is prosecuting a defendant accused of committing a criminal act

Criminal Littering: intentionally throwing or dropping litter on any public or private property

Criminal Mischief: intentionally causing damage to property

Criminally Negligent Homicide: the death of another that results from risky or careless behavior

Criminal Trespass: entering another's property or home without permission or remaining there against the owner's wishes

Cross-Examination: questioning of a witness in a trial or deposition

Curfew: a time set by a local or state government when a juvenile is no longer allowed to be out on the street without lawful business

Custody: the care and control of an object or person

Dangerous Instrument: any item, depending upon use that is highly capable of causing death or serious physical injury

Date Rape Drug: a drug used by an offender to render a person unconsciousness in order to commit a crime against that person such as rape or other sexual offenses

Deadly Weapon: a firearm or any other object designed for the purpose of inflicting death or serious physical injury

Defamation: written or spoken expression about a person that is false and damages that person's reputation

Defendant: the party against whom a suit or criminal charge is brought

Degree: legal extent of guilt or negligence

Delinquent Child: a child who has committed a violation, misdemeanor, or felony

Dependent Child: a child who is in immediate danger in his or her current surroundings, has no one to take care of him or her, is homeless, without parents or guardians, or is neglected by his or her parents or guardians

Destroying Juvenile Record: see "Sealing a Juvenile Record"

Detention Center: place for temporarily keeping juveniles who have been accused of committing criminal acts

Direct Examinations: the interrogations or questioning of a witness by the party on whose behalf he or she is called

Disaffirm: to call off a contract

Disorderly Conduct: disturbing the peace by making loud noises, by fighting, or by publicly using obscene language

District Court: a trial court of limited jurisdiction that has jurisdiction in all civil matters under \$10,000 and in all criminal misdemeanors and traffic violations

Domestic Violence: an assault on someone who currently lives or at one time lived within the home

Driving While Under the Influence (DUI): entering a motor vehicle while under the influence of alcohol or other drugs as determined by the amount of alcohol or drugs in that person's body

Drug Paraphernalia: all equipment, products, and materials of any kind which are used for converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body

Drug Trafficking: the possession of large quantities of illegal drugs that indicates the intent to sell for profit

Due Process of Law: the guarantee that citizens are treated fairly by the government (found in the 5th, 6th, and 14th amendments of the U.S. Constitution)

Emancipation: when a minor legally gains control and responsibility over all decisions in his or her life, even though he or she is a minor

Employee Theft: a form of theft in which employees steal items, allow friends to steal items, charge a customer an improperly reduced price, or abuse an employee discount

Executive Branch: the branch of government responsible for enforcing the laws

Expulsion: a disciplinary action that removes a student from school for an extended period of time; this action can include a hearing and must be approved by the board of education

False Imprisonment: unlawfully detaining a person in a room, car, or other confines so he or she cannot leave

Felony: generally the most serious of all crimes; it may result in imprisonment for more than one year

Firearm: a weapon from which a shot is discharged with gunpowder

Fraud: intentionally telling another something false or concealing the truth

G.E.D. (General Education Development): a certificate obtained for the equivalency of a high school diploma primarily for those who have dropped out of school before obtaining a high school diploma

Good Cause: acts constituting grounds for suspension or for expulsion

Habeas Corpus: an ancient writ literally meaning “produce the body,” that demands justification for the detention of another

Hallucinogen: a substance that affects the central nervous system distorting the perception of object reality

Harassing Communication: making a telephone call with no legitimate purpose, making threats, using lewd language, or sending or forwarding inappropriate e-mail or postal mail

Harassment: unwanted touching or verbal or non-verbal threat to another person that would cause a reasonable person to fear for his or her safety

Hearing: a court appearance before a judge or court referee where testimony is given and evidence is presented

Homicide: the killing of one human being by another, justified or unjustified

Indecent Exposure: the exposure of a person’s private parts with intent to arouse or gratify sexual desire of oneself or others

Indigent: one who is needy and poor or who has insufficient property to furnish a living

Informal Adjustment: the release of a juvenile delinquent for six months; he or she is required to fulfill certain requirements such as drug tests, curfews, and regular school attendance

Inhalant: substance that is sniffed or “huffed” to give the user an immediate high or head rush

Intent: determination to achieve a certain end by a particular means (intentional action)

Intentional Tort: when a person acts with the intent to harm another or another’s property

Intimate Body Parts (as pertaining to sexual contact): includes but is not limited to all sexual organs, breasts, upper thigh, lower abdomen and buttocks

Invasion of Privacy: intentional and wrongful intrusion into another’s private activities

Judge: the court official that oversees courtroom proceedings, listens to testimony presented in cases brought before the court and rules according to the law

Judicial Branch: the branch of government that interprets the laws and their constitutionality

Jury: a group of citizens (12 in state courts and 6 in federal court) randomly chosen to determine the facts of a case and apply the law in an adult court proceeding as instructed by the judge

Juvenile: a person not yet considered an adult for the purpose of determining either criminal or civil liability (generally anyone under the age of 18 years old)

Juvenile Court: a court having special jurisdiction over delinquent, dependent or neglected children

Legislative Branch: the branch of government that creates laws

Libel: written or permanently recorded untruths causing harm to another

Loitering: remaining in a certain location for no reason

Malice: intent to commit an act that will result in harm to another without justification

Manslaughter: the reckless killing of another; this crime may be intentional, but committed during a heated or passionate moment

Menacing: physical action that intentionally places or attempts to place another in such a position that he or she fears imminent serious physical injury

Minor: a person under the age of 18 years old

Miranda Warnings: constitutional rights read to a suspect before questioning begins; it states a right to be informed of the reason for arrest, the right to remain silent, the right to contact an attorney, parent or guardian, and the right to an appointed attorney if one cannot be afforded

Misdemeanor: a minor crime that may result in imprisonment for up to one year and/or a fine

Motor Vehicle: any vehicle that runs on its own power

Municipal Court: a court of original jurisdiction extending to city ordinances (traffic offenses and criminal misdemeanors)

Murder: the intentional killing of another

Negligence: an intentional tort that occurs when a person fails to use reasonable care resulting in harm to another or to another's property

No-Fault: system that eliminates with the need to prove fault in order to prevail or recover damages; no-fault usually applies to divorce and automobile accidents

Obscenity: a general term applying to anything that is immoral, indecent or lewd

Parent Liability: the responsibility for their children's actions until 19 years old or legally emancipated

Pedestrian: a person who is walking

Perjury: intentionally providing false information under oath

Perpetrator: a police officer's term used in reference to a person who has committed a criminal act

Petition: to file charges or to make a request of a court or public official

Plaintiff: the party who brings a lawsuit (sometimes known as a “complainant” or “petitioner”)

Possession: the fact of having or holding property in one’s power; the exercise of dominion over property

Precedents: court decisions on legal questions that guide future cases with similar questions

Probation: being released from serving time in prison to follow certain rules and conditions set by a juvenile or adult court; a probation officer is assigned for supervision during a set period of time

Prosecutor: a person who instigates a suit in court and represents the government

Public Lewdness: the exposure of a person’s private parts in a public place where he or she is likely to be observed

Rape: forced sexual intercourse with another person; any sexual intercourse, consensual or not, by a person aged 16 or older with a person under the age of 16

Reasonable Person: the idealized standard of how society expects its members to act

Reasonable Suspicion: an objective basis, supported by specific facts, for suspecting a person of criminal activity

Receiving Stolen Property: the buying or accepting of property known to be or thought to be stolen

Restitution: the return of goods to the rightful owner and payment for property loss, damages and time

Robbery: theft by the use of force; taking another’s personal property by use of force or by scaring him/her into handing over personal property

Rule of Law: the principle in which all citizens and the state are to respect and obey the legal system and its laws

School Resource Officer (SRO): a full-time law enforcement officer in the schools with the goal of creating and maintaining a safe educational environment; SRO’s keep the peace in schools; they are advisors and counselors, liaisons between schools and the police, and law-related education teachers

Sealing a Juvenile Record: the act of preventing public access to a juvenile's delinquent records

Sedative: a substance that depresses or slows down the body's functions inducing sleep or sedation

Serious Juvenile Offender: a juvenile who has committed a major offense

Sexual Abuse: forcible sexual contact with another person or sexual contact with a juvenile under 16 years of age

Sexual Contact: any contact with another that involves the touching of his/her sexual organs or intimate body parts

Sexual Misconduct: illegal sexual activities other than those defined as sexual abuse or sexual contact

Shoplifting: taking goods from a store without payment or the intent to pay

Slander: a false statement uttered maliciously to damage another's reputation

Statute: law enacted by the legislature at the state and federal levels

Stimulant: substance that temporarily increases the function of the heart, lungs, brain and/or nervous system

Subpoena: a process commanding a witness to appear and give testimony before a court at a specified time

Suit (lawsuit): case in a court of law; application to court for justice

Sunshine Law: a law requiring all public officials to conduct meetings openly

Suspension: a disciplinary action that temporarily removes a student from school

Theft: the taking of property or depriving another of his or her property without the intent of returning it

Tobacco: an agricultural crop usually rolled in paper and smoked; sometimes tobacco leaves are "dipped" or "chewed" so the nicotine is absorbed via the gums

Tort: any wrong, harm, or injury for which the injured party has the right to sue for damages in a civil court

Trespass: to go onto another's land or property without permission or right; includes fishing or hunting on private property

Trial: a formal proceeding before a judge to determine the outcome of an issue before the court

Truancy: the failure of a student to attend school without good reason

United States Code (U.S. Code): the collection of laws passed by the United States Congress and approved by the President

Violation: a breach of a state or municipal ordinance, such as a parking ticket and most minor traffic offenses with the possibility of a 30-day confinement

Warrant: a legal writ authorizing an officer of the law to take action (as in making an arrest or the search and seizure of evidence)

Witness: one who testifies regarding what he or she has seen, heard, or otherwise observed

Witness Stand: seat occupied by a witness in the courtroom

Idaho Laws for Youth

Student Worksheet

Name: _____

Current Events

Directions: Find an article in a newspaper, magazine, or online that reports a crime committed by a juvenile. Read the article with your parents or guardians and complete the following activity.

1. Article headline:

2. From what publication or web site was this article taken?

3. Who committed the crime?

4. What was the crime?

5. Where did the crime take place?

6. When was the crime committed?

7. Is the crime a felony or a misdemeanor? Why?

8. Is this a crime against persons or property?

Attach a copy of your article to this worksheet.

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